

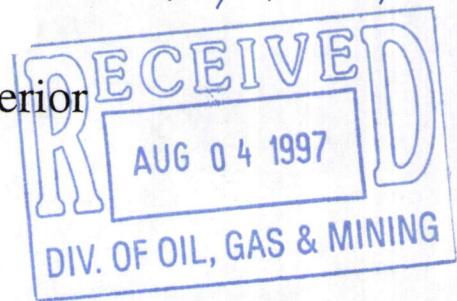


IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salt Lake District Office
2370 South 2300 West
Salt Lake City, Utah 84119



3809
U-69243
(UT-023)

JUL 31 1997

CERTIFIED MAIL Z 286 254 445
RETURN RECEIPT REQUESTED

DECISION

Mr. Lon Thomas	:	
American Stone, Inc.	:	43 CFR 3809
4040 South 300 West	:	Surface Management
Salt Lake City, UT 84107	:	Notice of Noncompliance

Notice of Noncompliance for Failure to Reclaim the Aragonite Millsite

During a routine inspection of the Aragonite Millsite area on July 29, 1997, we determined that the site used for your milling activities currently covers an area at least 12.94 acres in size. In addition to your permanent and temporary buildings on the millsite, the area disturbed by your milling activities includes an estimated 8 to 10 acres where the surface has been either compacted, buried beneath stockpiles and waste, or has been disturbed by scraping and ripping during milling and loading activities. Stockpiles of waste rock, ore, trash, and miscellaneous debris cover the site. Under a reclamation plan submitted by you, and accepted by this office on October 21, 1991, you were required to reduce the size of your millsite to 5 acres by May 1, 1995. The subject millsites are located in T. 1 S., R. 10 W., Section 8, and are known as the Aragonite MS #5-7 (UMC 252994-252996).

The millsite is currently being used for the storage of at least 500 wooden railroad ties, numerous old tires, crushed storage tanks, dilapidated and uninhabitable trailers with all of the windows shot out, boxcars, inoperable vehicles, and numerous piles of junk, trash, wood, and aragonite ore. The mill appears to have been idle and inoperable for many years, with unusable electric conveyor motors, broken conveyors and conveyor belts, and a disconnected electrical system with the wires either pulled out of their connectors or cut. Openings in the milling facility are rapidly filling with tumbleweeds. The stairway leading to the top of the mill building has been cut off about 6 feet above the ground making access to the upper portion of the mill impossible. There are also several broken wooden steps on the stairway providing further evidence that the mill building is in an unusable condition. In March 1997,

the millsite area was known to have been active, however the operator was using a separate crusher, conveyor belt system, and load-out facilities, not associated with the main mill buildings, apparently because of the inoperable nature of the existing facilities.

In addition to the above mentioned items, diesel fuel is leaking onto the ground from a green diesel storage tank near the main entrance, making the area a hazardous material site. There is also an oil spill about 50 square feet in size inside the dilapidated quonset hut.

The main mill storage building is also a dilapidated structure, with the metal roofing blowing away in the wind, with all of the skylights broken out, and with the supporting walls full of holes. Within the building is a bagging system that has apparently not been used for several years. Bags of processed material are broken and falling apart on pallets within its interior. None of the bagging equipment appears to be operable, and the building is filling with tumbleweeds.

Your activities on the subject millsite, and your failure to reclaim your surface disturbance to 5 acres or less by May 1, 1995, have resulted in unnecessary and undue degradation of Public Lands for which you are hereby being issued a Notice of Noncompliance.

All operators who have established a Record of Noncompliance are required to submit a Plan of Operations and must post a bond for 100% of the cost for reclamation, including administrative costs, for any and all future mining or milling operations on Public Land. On March 31, 1997, a final rule published in the Federal Register became effective amending the Bureau of Land Management's (BLM) surface management regulations at 43 CFR 3809. This rule requires submission of financial guarantees for reclamation of all hardrock mining operations greater than casual use. For all operators, the final rule also requires the following:

- A. The bond amount must be no less than 100 percent of the estimated costs to reclaim the land disturbed. The bond is required to be for an amount the greater of 100 percent of the cost to reclaim the disturbed area, or \$1,000.00 per acre (for Notice-level activities), or \$2,000.00 per acre for Plans of Operation;
- B. All bonds submitted directly to, or certified to the BLM, must be accompanied by a Professional Engineer's (PE) certification of the reclamation costs. Where an operator has satisfied the bonding requirements by evidence of a sufficient bond held or approved by the State of Utah, no PE's certification is required.

In order to bring yourself into compliance with Federal regulations, you must do the following:

1. Immediately cease all milling or stockpiling operations on the subject millsite until a Plan of Operations has been approved by this office.

2. Remove the leaking diesel fuel storage tank from the millsite. In addition, you must clean up the diesel fuel-stained soil and dispose of it in an authorized landfill (not on Public Lands). You must also clean up the oil spill in the quonset hut and dispose of this material in the same manner.
3. Remove the wooden railroad ties, tires, crushed storage tanks, trailers, inoperable vehicles, and piles containing junk, trash, crushed storage tanks, and debris from the millsite area, and dispose of this material properly in an authorized landfill (not on Public Lands).
4. Within 30 days of receipt of this letter, you must submit a Plan of Operations that describes in detail your ongoing and proposed activities on the subject millsite. This would include a map showing all existing and proposed milling facilities, access roads, ore, tailings, or other waste areas, topsoil stockpile areas, and equipment storage yards. Your Plan of Operations must be submitted with a Professional Engineer's estimated costs to reclaim all of the land disturbed by past and future milling activities, and a reclamation bond for that amount. We encourage you to reclaim as much land as possible before submitting your Plan of Operations. Except for the costs associated with revegetating reclaimed areas, the PE's estimate of reclamation costs will not need to include those portions of the millsite you reclaim within the next 30 days. We have enclosed a Plan of Operations format for your use.

Because the existing mill is inoperable, it must be either taken down and removed from Public Lands, or made operable. If you choose to remove the mill and abandon operations on the site, this would also entail dismantling and removing the adjacent mill storage building and ripping up the concrete foundations from the site. You would also be required to remove the two boxcars and quonset hut from the area, and all other buildings or other structures on site. As a part of final reclamation, once all of the described trash and debris have been removed, you will also be required to rip and scarify the entire area, spread any available topsoil over the site (or purchase and spread new topsoil), then revegetate the site with native live seed.

5. Your Plan of Operations must include information sufficient to describe the measures that will be taken to prevent unnecessary and undue degradation of Public Lands, and measures that will be taken to reclaim disturbed areas resulting from your activities on the subject millsite.

If you continue to conduct operations without an approved Plan of Operations, and without taking the actions specified in this letter within the time specified, you may be enjoined by an appropriate court order from continuing such operations and be liable for damages for such unlawful acts.

An appeal from this decision may be taken to the State Director, Utah State Office, BLM, in accordance with the provisions in Title 43 of the Code of Federal Regulations (CFR) Subpart

3809.4. If an appeal is taken, the notice of appeal must be filed in this office at 2370 South, 2300 West, Salt Lake City, Utah, 84119 within thirty (30) days from receipt of this decision.

Do not send the notice of appeal to the State Director. The appeal and the case history will be sent to the State Director from this office. The appeal to the State Director must contain:

1) the name and mailing address of the appellant; 2) when applicable, the name of the mining claim(s) and serial number(s) assigned to the mining claim(s) recorded pursuant to Section 3833 of this title which are subject to appeal; and 3) a statement of reasons for appeal and any arguments the appellant wishes to present which would justify reversal or modification of the decision. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

During the appeal to the State Director, all decisions from which the appeal is taken shall be effective during the pendency of the appeal.

If no appeal is taken, this decision constitutes final administrative action of this Department, as it affects the millsite(s). No appeal, protest, or petition for reconsideration will be entertained from this decision after the appeal period has expired.

If you have any questions, or require additional information, please feel free to contact Michael Ford of my staff at (801) 977-4360.

/s/ Margaret Wyatt

Margaret Wyatt
Area Manager

Enclosure

cc: D. Wayne Hedberg, UDOGM
Richard H. White and Bryan H. Oldfield